IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 12324 OF 2004

DATE OF DECISION: March 01, 2007

Parties Name

Maha Singh

..PETITIONER

VERSUS

Director, Consolidation, Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE VINOD K. SHARMA

PRESENT: Mr. Tahar Singh,
Advocate, for the petitioner.

Mr. Harish Rathee, Sr. D.A.G., Haryana,
for respondent No. 1.

Mr. Rakesh Lathwal, Advocate,
for respondent No. 2.

JASBIR SINGH, J. (oral)

Order.

This writ petition has been filed with a prayer to quash order Annexure P-7, vide which respondent No. 1 granted passage, to the parcel of land held by the respondent No. 2, through land of the petitioner. It is not in dispute that the consolidation proceedings were concluded in this village more than four decades ago. It is also admitted before us that when the consolidation proceedings were going on in the village, passage, which is shown red in Ak-shijra (site plan) Annexure P-5, was given to the consolidated Taq of respondent No. 2 and his co-sharer. As such it is apparent that no wrong was committed during consolidation proceedings were concluded. Under Section 42 of the East Punjab Holdings

(Consolidation and Prevention of Fragmentation) Act, 1948, respondent No. 1 can interfere only if there is defect in preparation of the scheme, implementation of the re-partition and some order is under challenge. No such eventuality has been indicated in the present case, as such respondent No.1 has no power to interfere on an application, moved by respondent No. 2. In view of this, we are of the view that the impugned order is without any jurisdiction. Otherwise also, order has been passed after forty years of the conclusion of the consolidation proceedings, . No reason has been given to condone the huge delay. Consequently, this writ petition is allowed and impugned order Annexure P-7 is set aside.

(Jasbir Singh)
Judge

(Vinod K. Sharma)
Judge

March 01, 2007.
DKC